

1 To justify the sealing of discovery materials attached to non-dispositive motions, a particularized
2 showing of good cause is required. *Id.* at 1180. To justify the sealing of discovery materials attached
3 to dispositive motions, however, a higher threshold is required: a particularized showing that *compelling*
4 *reasons* support secrecy. *Id.* “A ‘good cause’ showing will not, without more, satisfy a ‘compelling
5 reasons’ test.” *Id.* When private discovery materials are attached to a dispositive motion (or response
6 or reply), such materials become a part of a judicial record, and as such “are public documents almost
7 be definition, and the public is entitled to access by default.” *Id.*

8 IT IS THEREFORE ORDERED that the proposed protective order is disapproved without
9 prejudice to submit an amended order consistent with the requirements of *Kamakana v. City and County*
10 *of Honolulu*.

11 DATED this 22nd day of June, 2011.

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14 **LAWRENCE R. LEAVITT**
15 **UNITED STATES MAGISTRATE JUDGE**
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